

REMARKS

Claims 23, 29-31, 34, 37, 40-41, 43, 46, and 49 have been amended to further clarify the invention and claims 23, 26-32, 34, 37-44, and 46-62 are pending in this application.

Office Action of September 17, 2008

The Office Action rejected claims 23, 32, 34, 41, 47-58, and 60-62 under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al. (US Pat. No. 5,063,289) in view of Barraza et al. (US Pat. No. 5,812,085), rejected claim 39 under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al. in view of Barraza et al. and further in view of "Applicant's Admitted Prior Art" (AAPA), rejected claims 26, 37, and 42 under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al. in view of Barraza et al. and further in view of Hall (US Pat. No. 6,188,387), and rejected 27-31, 38, 40, 43, 44, 46, and 59 under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al. in view of Barraza et al. and further in view of Schindler et al. (US Pat. No. 5,900,867). Applicant respectfully traverses the rejections and request further consideration in view of the amendments above and following remarks.

Claims 23, 34, and 41

The Examiner stated that Jasinski et al. teach a mouse device but does not teach a multimedia audio control device. However, the Examiner stated that Barraza et al. teaches a remote control input device for use with TV, computer, VCR, or Digital Satellite System and the remote control input device includes a multimedia audio control device. Applicant disagrees with the Examiner's interpretation and use of Barraza et al. reference.

The remote control input device disclosed in Barraza et al. is for control of TV, VCR, and Digital Satellite System. The Barraza et al. reference does not disclose how it interacts with a computer. The terms "computer" or "PC" are mentioned three times in the entire disclosure. They are mentioned in the abstract, the field of the invention section, and the second paragraph of the background of the invention section. There is no mentioning of the computer or PC in the summary section and the detail description

section. The “computer” is not a selectable option by the buttons shown in FIG. 4. There is no discussion how the buttons work with a computer. Applicant submits that the Barraza et al. reference is not enabling regarding control of computer. Therefore, the combination of the Barraza et al. and Jasinski references cannot render the claimed invention unpatentable.

However, in an effort to further distinguish the claimed invention from the cited references, claims 23, 34, and 41 have been amended to distinguishly point out that the multimedia audio control device (audio control device) interfaces with a multimedia control driver inside the computer. The amendment is fully supported by the specification (FIG. 2 and related description) and no new matter is added. Applicant submits that Jasinski et al. and Barraza et al. do not disclose, either individually or in combination, a multimedia audio control device in a mouse device or pointing device that interfaces with a multimedia control driver inside a computer.

In view that Barraza et al. is non-enabling regarding control of a computer and Barraza et al. and Jasinski, either individually or in combination, do not disclose a multimedia audio control device that interfaces with a multimedia control driver inside a computer, Applicant submits that amended claims 23, 34, and 41 are patentable over the cited references and an early notification thereof is respectfully solicited.

Claims 26-27, 29-32, 47, 50-51, 56, and 59-60

Claims 26-27, 29-32, 47, 50-51, 56, and 59-60 depend from claim 23 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 23. Therefore, Applicant respectfully requests the rejection be withdrawn and claims 26-27, 29-32, 47, 50-51, 56, and 59-60 be allowed.

Claim 28

The Examiner stated that Schindler et al. teaches a thumbwheel, which in combination with Jasinski et al. and Barraza et al. renders claim 28 unpatentable. Applicant respectfully points out that the combination of these three references does not disclose use of a volume control slider as specified by claim 28. Therefore, these

references cannot render claim 28 unpatentable and an early notification thereof is respectfully solicited.

Claims 37-40, 48-49, 52-53, 57, and 61

Claims 37-40, 48-49, 52-53, 57, and 61 depend from claim 34 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 34. Therefore, Applicant respectfully requests the rejection be withdrawn and claims 37-40, 48-49, 52-53, 57, and 61 be allowed.

Claim 46

The Examiner stated that Schindler et al. teaches a thumbwheel, which in combination with Jasinski et al. and Barraza et al. renders claim 46 unpatentable. Applicant respectfully points out that the combination of these three references does not disclose use of a volume control slider as specified by claim 46. Therefore, these references cannot render claim 46 unpatentable and an early notification thereof is respectfully solicited.

Claims 42-43, 54-55, 58, and 62

Claims 42-43, 54-55, 58, and 62 depend from claim 41 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 41. Therefore, Applicant respectfully requests the rejection be withdrawn and claims 42-43, 54-55, 58, and 62 be allowed.

Claim 44

The Examiner stated that Schindler et al. teaches a thumbwheel, which in combination with Jasinski et al. and Barraza et al. renders claim 44 unpatentable. Applicant respectfully points out that the combination of these three references does not disclose use of a volume control slider as specified by claim 44. Therefore, these references cannot render claim 44 unpatentable and an early notification thereof is respectfully solicited.

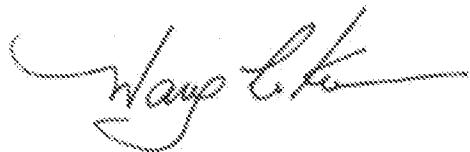
CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that claims 23, 26-32, 34, 37-44, and 46-62 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicants' attorney (770-246-2599) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 50-4290.

Respectfully submitted,
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